

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:12-cv-124-DSC

MIRANDA C. BAILEY,	:
	:
Plaintiff,	:
	:
v.	:
	:
CUTTING EDGE PIZZA, L.L.C.,	:
	:
Defendant,	:
	:
And	:
	:
CUTTING EDGE PIZZA, L.L.C.,	:
	:
Third Party Plaintiff,	:
	:
v.	:
	:
DARRYL A. CAPLE,	:
	:
Third Party Defendant	.
	:

**ORDER GRANTING DEFENDANT'S MOTION TO COMPEL**

THIS MATTER is before the Court on Defendant Cutting Edge Pizza, L.L.C.'s "Motion to Compel" (doc. 21) filed on September 13, 2012 and the parties' associated briefs and exhibits.

See docs. 22, 22-1, and 28.

The Court has carefully examined the record, the parties' arguments and the applicable authorities. The Court finds that while Plaintiff has provided some of the information previously sought, she has not fully responded to each of Defendant's discovery requests. Consequently, the Court will **GRANT** Defendant's Motion to Compel Discovery and order Plaintiff to respond fully to Defendant's discovery requests within fourteen (14) days of the date of this Order.

Additionally, the Court finds that Defendant filed its Motion to Compel after attempting in good faith to obtain the disclosure or discovery without Court action; that Plaintiff's failure to respond was not substantially justified; that circumstances do not make an award of expenses unjust; and that Defendant's request for award of reasonable expenses, including attorneys' fees incurred in making the Motion, should be and is hereby GRANTED.

The Court warns Plaintiff and her counsel that any failure to respond to Defendant's First Set of Interrogatories and Request for Production of Documents, or to otherwise comply fully with any of the Court's Orders, the Local Rules, or the Rules of Civil Procedure may result in the imposition of sanctions, which **can include dismissal of the Complaint with prejudice.**

**IT IS, THEREFORE, ORDERED** that:

1. Defendant's Motion to Compel is **GRANTED**.
2. Plaintiff is ordered to respond **fully** to Defendant's discovery requests and to provide to Defendant's counsel a verification, under oath, of Plaintiff's Response to Defendant's First Set of Interrogatories and Request for Production of Documents within **fourteen (14) calendar days** of the date of this Order.
3. Plaintiff is ordered to pay to Defendant the reasonable expenses incurred in obtaining this Order, including Defendant's attorneys' fees, such amount to be established by the Court after reviewing an Affidavit submitted by Defendant's counsel within seven (7) calendar days of the date of this Order.

**SO ORDERED.**

Signed: October 16, 2012



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David S. Cayer  
United States Magistrate Judge

